

Docket No: 38-21(52703)B

Amendment to the Specification

Please amend the first two paragraphs on page 1, by placing the reference to related application paragraph ahead of the incorporation of sequence listing paragraph, adding filing dates and correcting trademark usage to read as follows:

“Reference to Related Applications

This application is a continuation-in-part of U.S. application Serial No. 09/865,439, filed May 29, 2001 (abandoned). This application also claims priority to provisional applications Serial No. 60/415,758, filed 10/02/2002, Serial No. 60/425,157, filed 11/08/2002 and Serial No. 60/463,787, filed 04/18/2003, the disclosures of all of which are incorporated herein by reference.

Incorporation of Sequence Listing

The sequence listing is identical to the sequence listing submitted in provisional application No. 60/463,787, for Water-Deficit-tolerant Transgenic Plants (docket No. 38-21(52578)B, where the computer readable form was in the file named “ZMCAAT-2.ST25.txt” which is 14 kilobytes (measured in MS® Windows operating system), was created on April 17, 2003, was submitted on a 3.5” diskette, and is incorporated herein by reference.”

Amend the paragraph at page 8, line 16, to page 9, line 4, to read as follows:

“Recombinant DNA constructs used for transforming plant will comprise DNA cells for conferring a trait along with other commonly used DNA elements. As is well known in the art such constructs typically also comprise a promoter and other regulatory elements, 3’ untranslated regions (such as polyadenylation sites), transit or signal peptides and marker genes elements as desired. For instance, see U.S. Patents No. 5,858,742 and 5,322,938 which disclose versions of the constitutive promoter derived from cauliflower mosaic virus (CaMV35S), U.S. Patent 6,437,217 which discloses a maize RS81 promoter, U.S. Patent 5,641,876 which discloses a rice actin promoter, U.S. Patent 6,426,446 which discloses a maize RS324 promoter, U.S. Patent 6,429,362 which discloses a maize PR-1 promoter, U.S. Patent 6,232,526 which discloses a maize A3 promoter, U.S. Patent 6,177,611 which discloses constitutive maize promoters, U.S. Patent 6,433,252 which discloses a maize L3 oleosin promoter, U.S. Patent 6,429,357

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which discloses a rice actin 2 promoter and intron, U.S. Patent 5,837,848 which discloses a root specific promoter, U.S. Patent 6,084,089 which discloses cold inducible promoters, U.S. Patent 6,294,714 which discloses light inducible promoters, U.S. Patent 6,140,078 which discloses salt inducible promoters, U.S. Patent 6,252,138 which discloses pathogen inducible promoters, U.S. Patent 6,175,060 which discloses phosphorus deficiency inducible promoters, U.S. Patent Application Publication 2002/0192813A1 which discloses 5', 3' and intron elements useful in the design of effective plant expression vectors, U.S. patent application Serial No. 09/087,972 (now issued as U.S. Patent 6,635,806) which discloses a coixin promoter, U.S. patent application Serial No. 09/757,089 (now pending and published as US 2004-0216189 A1) which discloses a maize chloroplast aldolase promoter, all of which are incorporated herein by reference."

Amend the paragraph at page 9, lines 5-16, to read as follows:

"In many aspects of the invention it is preferred that the promoter element in the DNA construct should be capable of causing sufficient expression to result in the production of an effective amount of the transcription factor in water deficit conditions. Such promoters can be identified and isolated from the regulatory region of plant genes which are over expressed in water deficit conditions. Alternatively, such promoters can be exogenous constitutive promoters. Another class of useful promoters are water-deficit-inducible promoters, e.g. promoters which are derived from the 5' regulatory region of genes identified as a heat shock protein 17.5 gene (*HSP17.5*), an HVA22 gene (*HVA22*), and a cinnamic acid 4-hydroxylase (CA4H) gene (*CA4H*) of *Zea mays*; such water-deficit-inducible promoters are disclosed in U.S. provisional application Serial No. 60/435,987, filed December 20, 2002 (now pending and published as US 2004-0123347 A1), incorporated herein by reference. Another water-deficit-inducible promoter is derived from the *rab-17* promoter as disclosed by Vilardell *et al.*, *Plant Molecular Biology*, 17(5):985-993, 1990."

Amend the paragraph at page 10, lines 13-22, to read as follows:

"Transformation Methods and Transgenic Plants - Methods and compositions for transforming plants by introducing a recombinant DNA construct into a plant genome in the practice of this invention can include any of the well-known and demonstrated

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methods. Preferred methods of plant transformation are microprojectile bombardment as illustrated in U.S. Patents 5,015,580; 5,550,318; 5,538,880; 6,160,208; 6,399,861 and 6,403,865 and *Agrobacterium*-mediated transformation as illustrated in U.S. Patents 5,635,055; 5,824,877; 5,591,616; 5,981,840 and 6,384,301, all of which are incorporated herein by reference. See also U.S. application Serial No. 09/823,676 (now issued as U.S. Patent 6,717,034), incorporated herein by reference, for a description of vectors, transformation methods, and production of transformed *Arabidopsis thaliana* plants where transcription factors are constitutively expressed by a CaMV35S promoter."

Amend the paragraph at page 10, line 23, to page 11, line 5, to read as follows:

"Transformation methods of this invention to provide plants with enhanced environmental stress tolerance are preferably practiced in tissue culture on media and in a controlled environment. "Media" refers to the numerous nutrient mixtures that are used to grow cells *in vitro*, that is, outside of the intact living organism. Recipient cell targets include, but are not limited to, meristem cells, callus, immature embryos and gametic cells such as microspores, pollen, sperm and egg cells. It is contemplated that any cell from which a fertile plant may be regenerated is useful as a recipient cell. Callus may be initiated from tissue sources including, but not limited to, immature embryos, seedling apical meristems, microspores and the like. Those cells which are capable of proliferating as callus also are recipient cells for genetic transformation. Practical transformation methods and materials for making transgenic plants of this invention, e.g. various media and recipient target cells, transformation of immature embryos and subsequent regeneration of fertile transgenic plants are disclosed in U.S. Patents 6,194,636 and 6,232,526 and U.S. patent application Serial No. 09/757,089 (now pending and published as US 2004-0216189 A1), which are incorporated herein by reference."